



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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Food and Drug Administration  
Rockville MD 20857

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DEF. OF PATENTS  
COMMISSIONER FOR PATENTS

Re: Zebeta®  
Docket No. 92E-0427

#19

Charles E. Van Horn  
Patent Policy and Projects Administrator  
Office of the Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Crystal Park Building 2, Suite 919  
Washington, DC 20231

Dear Mr. Van Horn:

This is in regard to the patent term extension application for U.S. Patent No. 4,258,062 filed by E. Merck GmbH under 35 U.S.C. § 156. The patent claims the human drug product Zebeta® (bisoprolol fumarate), NDA 19-982.

In the February 9, 1993, issue of the Federal Register (58 Fed. Reg. 7,789), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before August 9, 1993, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Ronald L. Wilson  
Director  
Health Assessment Policy Staff  
Office of Health Affairs

cc: Harry B. Shubin  
Millen, White & Zelano, P.C.  
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